

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

KIMBERLY LYNN NUSBAUM,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Civil No. 2:21-CV-00441-DWC

ORDER ON MOTION FOR ATTORNEY'S
FEES

For the reasons set forth in the parties' stipulated response to Plaintiff's motion for attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, *et seq.*, and good cause shown, the Motion (Dkt. 24) is granted as follows:

Plaintiff is hereby awarded \$6,040.07 in fees and \$23.44 in expenses under the EAJA. Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order, the Commissioner (1) determines that Plaintiff has assigned her right to EAJA fees to her attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and (3)

1 agrees to waive the requirements of the Anti-Assignment Act, then the EAJA fees will be made
2 payable to Plaintiff's attorney via check or electronic fund transfer. However, if there is a debt
3 owed under the Treasury Offset Program, the Commissioner cannot agree to waive the
4 requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid
5 by a check made out to Plaintiff but delivered to Plaintiff's attorney.

6 DATED this 3rd day of April, 2022.

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10 David W. Christel
United States Magistrate Judge

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13 Presented by:

14
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